

#### REMARKS/ARGUMENTS

Claims 1-21 remain in this application.

Claims 16-21 were previously withdrawn as the result of an earlier restriction requirement.

In view of the examiner's earlier restriction requirement, applicant retains the right to present claims 16-21 in a divisional application.

In response to the Office Action of August 1, 2005, Applicant requests re-examination and reconsideration of this application for patent pursuant to 35 U.S.C. 132.

#### **Objections to the Claims**

The claims have been objected to as a result of the incorporation of means plus function language into the claims. The Examiner has pointed out that the amended claims now contain grammatical and consistency errors. "For example, the operating program performing the steps including: means for... The means for is the operating program and the claim is inoperable."

Accordingly, claims 1,2,6 and 7 have been amended to remove the language "an operating program for performing a series of steps including", thereby obviating the objection to the claims. Claim 13 has been amended to correct a spelling error.

**Rejections under 35 USC 102(b)**

Claims 1-10 and 12 stand rejected under 35 U.S.C. 102(e) as being anticipated by Muehlberger et al.

The Examiner has indicated that Muehlberger et al. shows, in Figure 1, a customer operated counter-top terminal system which activates various debit card (account numbers are inherent) transactions, provides secure communications with a host computer database, and issues a decrypted authorization code to the customer. The system consists of a main terminal unit with an alphanumeric display. The main terminal unit carries a CPU, memory, and all interface devices, including a keypad for the entry of Personal Identification Numbers (PIN), plus programmable function keys and a swipe reader for reading various cards. The main terminal unit further includes a printer for printing receipts for use by a customer and retailer. The system also includes a remote hand-held keyboard having a keyboard display, typically to be held by a clerk for providing a level of privacy desirable to the customer. The system permits processing services to merchants, allowing them to accept all credit and ATM cards for the purchase of goods and services provided by their establishment, thus providing the advantage of a guaranteed payment for the merchant.

The instant claim amendments clarify the claims and more clearly focus on the novel concepts which embrace Applicant's

invention.

Applicant respect disagrees with the Examiner's determination that the claimed subject matter is anticipated by Muehlberger et al.

Muehlberger et al. fail to disclose "means for initiating said point of sale transaction to accept funds from a customer to be deposited into a debit account". In the Muehlberger et al. system the point of sale transaction removes funds from a customer's debit account and places them in the merchant's account.

Muehlberger et al. also fail to disclose "means for accepting an input value representing funds to be deposited into said debit account". The Muehlberger et al. system accepts an input value representing funds to be removed from said debit account.

Muehlberger et al. fail to disclose "means for receiving a debit account number unique to said transaction from said secure host server; receiving a unique personal identifier number (PIN) corresponding to said debit account number from said secure host server". The host server in the Muehlberger et al. system does not provide a debit account number unique to a particular transaction. The host server only provides a receipt of the transaction. This is normally a description of the item(s) purchased, the price(s) of the item(s) and the date of the sale. There is nothing on the receipt which provides a debit account number unique to the transaction.

In addition Muehlberger et al. fail to disclose "receiving a unique personal identifier number (PIN) corresponding to said debit account number from said secure host server". The host server of Muehlberger et al. does not provide any unique personal identifier number (PIN) for any transaction. The personal identifier number (PIN) is provided by the customer at the transaction terminal.

Applicant respectfully submits that the Examiner has failed to satisfy all the criteria necessary to establish a proper rejection of the claims under 35 USC 102(e). A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

**Rejection under 35 USC 103(a)**

Claims 11 and 13-15 are rejected under 35 USC 103(a) as being unpatentable over Muehlberger et al. in view of Pare, Jr. et al.

The Examiner has indicated that Muehlberger et al. shows all of the limitations of the claims except for specifying a customer-selected PIN and biometric scanning.

Pare, Jr. et al. teaches, Figure 1, a tokenless biometric ATM access system with a customer-selected PIN (column 49, line 26) in order to help the customers remember their PINs and biometric scanners as part of a biometric verification system (Title and throughout reference) in order to provide more security.

Based on the teachings of Pare, Jr. et al., it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the Muehlberger et al. system to incorporate a customer-selected PIN in order to help the customers remember their PINs and biometric scanners as part of a biometric verification system in order to provide more security.

Claim 11, as currently amended, recites a system for establishing a debit account via a point of sale transaction comprising, *inter alia*, a transaction terminal which includes means for initiating said point of sale transaction to accept funds from a customer to be deposited into a debit account, means for accepting an input value representing funds to be deposited into said debit account, means for receiving a debit account number unique to said transaction from a secure host server, means to assign a customer-selected PIN to said debit account number during said transaction.

In order for an Examiner to establish a *prima facie* case of obviousness, three basic criteria must be met (MPEP 2142). First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim

limitations.

None of the cited prior art teach or suggest all of the claim limitations, specifically, a transaction terminal which includes means for initiating said point of sale transaction to accept funds from a customer to be deposited into a debit account, means for accepting an input value representing funds to be deposited into said debit account, means for receiving a debit account number unique to said transaction from a secure host server, and means to assign a customer-selected PIN to said debit account number during said transaction, as currently recited in the instant claims.

Muehlberger et al. disclose a system in which a customer employs a debit card to purchase different items. The merchant utilizes a main terminal which includes a keypad for entering information, a swipe reader for reading standard magnetically encoded cards, a printer, and means to communicate with a host server.

Pare, Jr. et al. disclose a system to access an ATM or similar device in which the user enters their PIN and a biometric sample. After this information is verified the user enters their financial account number. Upon verification, the user can access their financial account.

The Examiner asserts that it would have been obvious to modify the Muehlberger et al. system to incorporate a customer-selected PIN in order to help the customers remember their PINs and

biometric scanners as part of a biometric verification system to provide more security.

The Muehlberger et al. system removes funds from a debit account to pay for a purchase. The debit account number and PIN have been assigned to the customer prior to the transaction and do not change during the transaction.

The Pare, Jr. et al. system does not disclose these features. Therefore the references when combined do not teach all of the claim limitations.

The Examiner asserts that Muehlberger et al. shows all the limitations except for specifying a customer-selected PIN and biometric scanning. Claim 11 recites, *inter alia*, means to assign a customer-selected PIN to said debit account number during said transaction. The system of Pare, Jr. et al. assigns the PIN to the account prior to the transaction.

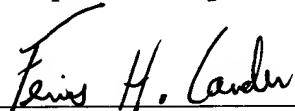
Once again the references, when combined, still fail to teach all of the claim limitations.

Applicant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness and further contend that a person of ordinary skill in the art, having the references Muehlberger et al. and Pare, Jr. et al. before them, would not have the information nor the motivation necessary to combine these disclosures so as to arrive at Applicant's invention.

SUMMARY

In light of the foregoing remarks and amendment to the claims, it is respectfully submitted that the Examiner will now find the claims of the application allowable. Favorable reconsideration of the application is courteously requested.

Respectfully submitted,

  
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